

Degree Program Approval; Equal Opportunity Goals

Effective Date: June 3, 2011

13 KAR 2:060. Degree Program Approval; Equal Opportunity Goals.

RELATES TO: KRS 164.001, 164.020

STATUTORY AUTHORITY: KRS 164.020(19)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.020(19) requires the Council on Postsecondary Education to postpone the approval of new academic programs for those institutions who fail to meet equal opportunity goals established by the council, and further requires that institutions be able to secure a temporary waiver, if an institution has made substantial progress toward meeting the goals. This administrative regulation establishes the process for goal setting, measurement of progress, and how to secure a temporary waiver.

Section 1. Definitions.

- (1) "Continuous progress" means that an institution shows an increase in the number of students or employees over the previous year for a category.
- (2) "Council" is defined by KRS 164.001(8).
- (3) "Diversity Policy" means the Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity
- (4) "Institution" means a state-supported postsecondary education institution listed in KRS 164.001(17).
- (5) "Institution Diversity Plan" means a plan developed by an institution in conjunction with the Council on Postsecondary Education to achieve diversity in student enrollment, to eliminate gaps in retention and graduation rates, and to achieve workforce diversity.

Section 2. Creation of Institution Diversity Plan.

- (1) The Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development shall provide a framework and guidelines to assist an institution in developing an institution diversity plan.
- (2) Except as provided in subsection (3) of this section, an institution shall develop an institution diversity plan that is consistent with the definition of diversity contained in the diversity policy and as represented by the institution's area of geographic responsibility and includes goals for these areas of interest:
 - (a) Student enrollment:
 1. Undergraduate students; and
 2. Graduate students at the four (4) year institution;
 - (b) Student success including:
 1. First year to second year retention of undergraduate students;
 2. Second year to third year retention of undergraduate students;
 3. Associate and baccalaureate degrees and credentials conferred; and
 4. Graduation rates for undergraduate students;
 - (c) Retention for undergraduate students including:
 1. First year to second year retention rate;
 2. Second year to third year retention rate; and
 3. Graduation rate;

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(d) A workforce diversity component that:

1. Shall include these employment categories:

- a. Executive administrative/managerial;
- b. Faculty; and
- c. Other professional; and

2. May include these employment categories:

- a. Secretarial/clerical;
- b. Technical/paraprofessional;
- c. Skilled crafts; and
- d. Service/maintenance; and

(e) A campus climate component including:

- 1. Creation of a campus environment team;
- 2. A comprehensive assessment on strategies and best practices implemented; and
- 3. A review of the effectiveness of employment, retention, and promotion policies.

(3) A community college shall not be required to include in its institution diversity plan the areas of interest established in subsections (2)(a)2., (2)(b)2., (2)(b)4., and (2)(c)2. of this section.

(4) An institution, in developing an institution diversity plan, shall consider the institution's service region or statewide demographic data.

(5) An institution, in developing goals for areas of interest in subsection (2) of this section, shall reference the racial and ethnic groups listed in the U. S. Census, on its Web site at <http://www.census.gov/population/www/socdemo/race/Ombdir15.html>, and the U. S. Department of Education's Integrated Postsecondary Education Database System (IPEDS), on its Web site at <http://nces.ed.gov/ipeds/reic/resource.asp>.

Section 3. Measurement of an Institution's Performance in Demonstrating Continuous Progress, and Automatic Eligibility for New Academic Programs.

(1)

(a) A four (4) year institution shall demonstrate continuous progress or meet the goals established for the eight (8) areas of interest described in Section 2(2)(a)1. and 2., (b)1., 2., and 3., and (d)1., 2., and 3. of this administrative regulation.

(b) The Kentucky Community and Technical College System (KCTCS) shall demonstrate continuous progress or meet the goals established for the seven (7) areas of interest described in Section 2(2)(a)1., (b)1., 2., and 3., and (d)1., 2., and 3. of this administrative regulation.

(2) An institution shall submit a written report annually to the Council or its designee describing the institution's progress in meeting the goals set forth in the institution diversity plan, and describing whether the institution has demonstrated continuous progress in the areas of interest described in Section 2(2) of this administrative regulation.

(3) To be automatically eligible for new academic programs:

(a) A four (4) year institution shall meet the goal or demonstrate continuous progress in six (6) of the eight (8) areas of interest or meet the goal listed in Section 2 of this administrative regulation; or

(b) A community college shall meet the goal or demonstrate continuous progress in five (5) of the seven (7) areas of interest listed in Section 2 of this administrative regulation and selected by the Kentucky Community and Technical College System.

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- (4) An institution shall demonstrate continuous progress in campus climate by completing a report as required by Section 2(2)(e)2. and 3. of this administrative regulation.

Section 4. Waivers.

- (1) If an institution is not automatically eligible under Section 3 of this administrative regulation, the institution may request a one (1) year waiver.

- (2) A waiver request by an institution shall include a resolution submitted to the Council on Postsecondary Education approved by the institution's governing board describing the institution's efforts to achieve the institution's diversity goals.

- (3) A four (4) year institution shall be eligible to receive a waiver if:

(a) The institution demonstrates continuous progress or meets the goals in five (5) of the eight (8) areas of interest listed in Section 2(2) of this administrative regulation; or

(b) The institution demonstrates continuous progress or meets the goals in less than five (5) of the areas of interest and shows in a written report that:

1.a. Outstanding efforts to achieve diversity were attempted which have not yet proven to be successful; or

1.b. Extraordinary circumstances precluded success; and

2. Explains how the institution's revised plans for recruitment and retention of a diverse student body, and workforce diversity show promise of future success.

- (4) A community college shall be eligible for a waiver if:

(a) The community college demonstrates continuous progress or meets the goals in four (4) of the seven (7) areas of interest listed in Section 2(2) of this administrative regulation; or

(b) The community college has achieved continuous progress or meets the goals in less than four (4) of the areas of interest, and the community college shows in a written report that:

1.a. Outstanding efforts to achieve diversity were attempted which have not yet proven to be successful; or

1.b. Extraordinary circumstances precluded success; and

2. Explains how the institution's revised plans for recruitment and retention of a diverse student body, and workforce diversity show promise of future success.

- (5) An institution's written request for a waiver shall be reviewed by the Council on Postsecondary Education's Committee on Equal Opportunity which shall make a recommendation to the council on whether to grant a waiver.

- (6) An institution shall not be eligible for a waiver in consecutive years.

Section 5. Action Following Receipt of Institution Report. The Council or its designee shall upon receipt of an institution's annual report described in Section 3(2) of this administrative regulation:

- (1) Review the report in public session; and

- (2)

(a) Accept the report as submitted;

(b) Recommend, as appropriate, that an institution modify its diversity plan goals; or

(c) Recommend, as appropriate, that an institution modify strategies and activities to better ensure success in meeting goals.

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Section 6. Incorporation by Reference.

- (1) The Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development, September 12, 2010, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Council on Postsecondary Education, 1024 Capital Center Drive, Suite 320, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 1689; Am. 2024; eff. 3-4-93; 23 Ky.R. 164; 1389; eff. 9-5-96; 24 Ky.R. 916; 1291; 1498; eff. 1-12-98; 37 Ky.R. 2250; 2539; eff. 6-3-11.

The regulation is found at this link: <http://www.lrc.ky.gov/kar/013/002/060.htm>.